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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

December 3, 2009

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
DEC - 3 2009
Part of
Public Record

Re: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Chicago, an Illinois municipal corporation, (the "City"), seeking to extend the negotiation period covering the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's Weber Industrial Lead located in the City between approximately Milepost 8.4 at Devon Avenue to the border with the Village of Skokie, Illinois, at approximately Milepost 9.4 near Touhy Avenue, a distance of approximately 1.0 mile in Cook County, Illinois.

The Union Pacific is willing to extend the negotiation period with the City concerning the acquisition of the subject property for trail use and supports the City's request to extend the negotiation period for an additional 180 days to June 11, 2010. A copy of the City's request for extension is attached hereto as Exhibit "A" and hereby made a part hereof.

Sincerely,

A handwritten signature in black ink, appearing to be "M. H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: City of Chicago

O:\ABANDONMENTS\33-263X\STB-007.doc



City of Chicago
Richard M. Daley, Mayor

Department of Transportation

Thomas C. Byrne
Commissioner

33 North LaSalle Street
Suite 1100
Chicago, Illinois 60602-2570
(412) 744-3600
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www.cityofchicago.org/transportation



EXHIBIT "A"

December 1, 2009

VIA E-FILING

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Mack H. Shumate, Jr.
101 North Wacker Drive, Room 1920
Chicago, IL 60606

Re: Union Pacific Railroad Company--Abandonment Exemption and
Discontinuance of Operations over the Weber Industrial Lead from
Milepost 5.8 near Wilson Avenue, Chicago, to Milepost 9.5 near
Touhy Avenue, Skokie, a Distance of 3.7 Miles in Cook County, IL;
STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

The City of Chicago, an Illinois municipal corporation, acting by and through its Department of Transportation ("City"), hereby petitions the Surface Transportation Board ("Board") for an order extending its Decision and Notice of Interim Trail Use or Abandonment ("NITU") in the above-referenced matter for an additional 180 days, through and including June 11, 2010.

On December 9, 2008, the City filed a petition for a Public Use Condition as well as a Certificate or Notice of Interim Trail Use ("Petition"), rather than an outright abandonment authorization, for the portion of the Weber Industrial Lead extending from milepost 5.8 near Wilson Avenue in Chicago to approximately milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles. The Village of Lincolnwood ("Village") filed a similar trail use/rail banking request on the portion of the rail line traversing the village.

On December 17, 2008, the Board issued its NITU, providing for a 180-day period for negotiations between the City, the Village and Union Pacific Railroad Company ("UP"). By decision served June 18, 2009, the Board extended the NITU negotiating period to December 13, 2009. Since the date of this decision, the City has advertised for and received 26 proposals from consultant teams to conduct preliminary engineering and environmental studies and has identified a source for the 20% non-federal matching funds for the federal Congestion Mitigation and Air Quality Program (CMAQ) grant.



The City has made progress, but needs additional time to complete its trail engineering plan and conclude negotiations with UP.

In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

A copy of this statement is being served on UP on the same date it is being served on the Board. By my signature below, I certify service upon Union Pacific Railroad Company, Attn: Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 1st day of December, 2009.

Pursuant to 49 C.F.R. § 1002.2(e)(1), the filing fee for this request is waived.

Respectfully submitted,

CITY OF CHICAGO, an Illinois
municipal corporation

By:  

Thomas H. Powers, P.E.
Acting Commissioner of Transportation